



Ponce - Nicasio Broadcasting, Inc.

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Carmen Briggs
President

April 20, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: MM Docket #93-8

Dear Ms. Searcy:

Please find six copies of rebuttal comments to various cable operators filings in MM Docket #93-8.

These represent our final comments.

Sincerely,

Carmen Ponce Nicasio Briggs
Carmen Ponce Nicasio Briggs

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President

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. James Quello, Chairman
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

Dear Mr. Chairman:

Please find rebuttal comments to various cable operators filings

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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Implementation of the
Cable Television Consumer
Protection and Competition
Act of 1992

MM Docket No. 93-8

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Home Shopping Station
Issues

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Comments of

Ponce Nicasio Broadcasting
KCMY-TV Channel 29
Sacramento, California

KCMY is the only full power UHF station licensed to Sacramento not cable carried in the Sacramento-Stockton-Modesto 19th ADI.

KCMY is a 100% independently owned and operated female Hispanic station affiliated with Home Shopping Network II.

KCMY has been told (Sacramento Cable Scripps Howard) "that a Home Shopping program format is not keeping you off Sac Cable. Even a program format change would not result in carriage." (See Page 10 Ponce's Public Comment filed 3/29/93).

KCMY believes The Cable Television Consumer Protection and COMPETITION Act of 1992 means exactly that....COMPETITION for advertising revenue dollars and viewers.

KCMY without cable carriage has been unable to compete and secure any meaningful advertising revenues and is economically depressed due to an inadequate revenue stream and base.

KCMY been unable to compete with cable/TV channels for viewers as newsprint media will not publish KCMY TV29's program times.

KCMY must be granted must carry status to survive. The FCC must eradicate the current repulsive discriminatory media-redlining practices of KCMY's competitors in the Sacramento ADI.

KCMY is providing a valuable public service to non-cabled TV viewers consisting of less than 50% of our 1,045,700 households. (See attached 4/8/93 Wagoner letter).

The comments of the Media Access Project comments to the FCC must generally be dismissed due to either studied stupidity or ignorance as to a Home Shopping station not serving the public interest.

While, the entire cabled universe has a plethora of Home Shopping stations a free-over-the-air television viewer is lucky to have one home shopping station so he/she too can benefit from electronic home shopping.

The Projects' whole diatribe about what the "Center believes what constitutes public interest" should be dismissed as just that....illogical diatribe.

The last page (24) of the Projects' comments basically states the case for MUST CARRY for Home Shopping stations the same as other stations.

The airwaves of both over-the-air and cable are hopelessly saturated with news, sports, and sit-coms to the point that local Sacramento Cable told KCMY carriage would not come to KCMY even if it switched to "traditional programming".

Then what does KCMY do to gain programming if neither traditional or home shopping fits? The answer is, it relies on the FCC as the only arbiter to level the playing field.

Further, the cable operator to reduce home shopping programming can simply refuse to carry QVC, HSN I, and other shopping services by simply not renewing those contracts.

Clearly "must carry" for Home Shopping stations as infringing on cable free speech rights is spurious and a red-herring. The fight here is for fairness. Fairness for the smallest of all.

All of the anti-comments concerning must carry for Home Shopping stations should be dismissed as self-serving perverted outrageous statements designed to protect a selfish status quo.

The FCC should read all of the anti-comments as being aimed solely at keeping minority owned and independently operated small Home Shopping stations off of cable and to put us all out of business.

Otherwise most, if not all of us, will not only continue to be mired in the discriminated-against-status which we are long familiar, but we will probably go out of business as well.

Finally, the argument that a reduction in time for carrying home shopping programming must be imposed, can only work to the advantage of cable carried home shopping channels satellite delivered.

Home Shopping viewers of KCMY have made it very clear in hundreds of letters (See 3/29/93 KCMY Ponce Nicasio Comment Submittal) that they want home shopping 24 hours a day as a reliable program source not inter-mixed with other programming.

KCMY viewers are like all niche viewers. They tune in because they know what they are going to see, plus to receive localized public affairs. It would be grossly unfair to KCMY to have viewer after viewer switch to cable because they can ONLY get 24 hour home shopping on cable.

It would be doubly unfair if that viewer was to pay to hook up to cable to receive Home Shopping Club HSN I programming which is basically the same programming KCMY is broadcasting on Home Shopping Club HSN II free-over-the-air.

So the question must be asked: Why should a viewer be forced to pay for cabled 24 hour Home Shopping Club programming when that